

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT NEBRASKA**

TIMOTHY MASON,	)	Case No. _____
	)	
Plaintiff,	)	
	)	
vs.	)	<b>COMPLAINT</b>
	)	
CONTITECH NORTH AMERICA, INC.	)	
f/k/a VEYANCE TECHNOLOGIES, INC.,	)	
	)	
Defendant.	)	

**Jurisdiction**

1. Plaintiff is a resident of Otoe, County Nebraska.
2. Defendant is a foreign corporation with a plant in Lincoln, Nebraska.
3. That plaintiff is employed at defendant's plant in Lincoln, Nebraska and that the facts giving rise to this case occurred in Lincoln, Nebraska.
4. That plaintiff has been employed with the defendant as a laborer since 1990.
5. That plaintiff filed a timely charge of age discrimination on July 12, 2019 under federal law and Nebraska law.
6. That plaintiff's charge number was NEB 1-19/20-7-50614-RS 32E-2019-00602.
7. That this charge was jointly filed with the Nebraska Equal Opportunity Commission and Equal Employment Opportunity Commission.
8. That the NEOC issued a right to sue letter on the above-mentioned charge on June 19, 2020.
9. That plaintiff has exhausted all necessary administrative remedies.

**Statement of facts**

10. Plaintiff incorporates Paragraphs 1-9 into the set of facts.
11. On June 12, 2017 moved into the Labor Balancer position.

12. That plaintiff asked for training in the Labor Balancer position but was denied training by his manager.
13. That on September 25, 2018 that plaintiff was demoted to the Diaphragm Builder position.
14. That this position was a demotion because it paid less than the labor balancer job.
15. Plaintiff was told he was being demoted because his performance was unsatisfactory.
16. At the time of his demotion, plaintiff was 55 years old.
17. That defendant's decision to demote the plaintiff was motivated by age for reasons including but not limited to a) knowledge of his age by the defendant b) plaintiff's satisfactory performance of the labor balancer job c) false reason for demotion and d) defendant's failure to follow their own procedure in training the plaintiff in the labor balancer position.

#### **Count 1**

18. That defendant's demotion of the plaintiff was unlawfully motivated by plaintiff's age in violation of state and federal law.
19. That defendant's conduct in demoting the plaintiff was a willful and reckless violation of his constitutional rights.

#### **Prayer for Relief and Jury Demand**

For the reasons stated above, plaintiff asks for a trial by jury to determine the rights of the parties. Plaintiff also requests back pay, front pay, compensatory damages, punitive damages and attorney fees and any other relief allowed under law or equity.

TIMOTHY MASON, Plaintiff

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